

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

MARLENE LINNOR AND RICHARD LINNOR, : CIVIL ACTION NO.
: 3:20-cv-00596-VAB

Plaintiffs, :

v. :

JOHNSON & JOHNSON INC. et al., :

JULY 20, 2020

Defendants. :

**CONSENT ORDER PARTIALLY RESOLVING DEFENDANTS' OCTOBER 15,
2018 MOTION FOR PARTIAL SUMMARY JUDGMENT AND STIPULATION OF
DISMISSAL OF CERTAIN CLAIMS WITH PREJUDICE**

THIS MATTER having been opened to the Court by Defendants Ethicon, Inc., and Johnson & Johnson (collectively, "Defendants"), on motion seeking an Order granting partial summary judgment (the "Motion")(doc. #16); and the Plaintiffs having agreed to dismiss certain counts that were the subject of the Motion; and for good cause appearing;

IT IS on this 14th day of October, 2020,

ORDERED that Defendants Ethicon, Inc., and Johnson & Johnson's Motion for Partial Summary Judgment is **MOOT as to the following causes of action** based upon the parties' agreement to stipulate to the dismissal of the following claims with prejudice and without costs:

1. Count I: Negligence – Failure to Warn and Manufacturing Defect;
2. Count II: Strict Liability – Manufacturing Defect;
3. Count III: Strict Liability – Failure to Warn;
4. Count IV: Strict Liability – Defective Product;

5. Count VI: Common Law Fraud;
6. Count VII: Fraudulent Concealment;
7. Count VIII: Constructive Fraud;
8. Count IX: Negligent Misrepresentation;
9. Count X: Negligent Infliction of Emotional Distress;
10. Count XI: Breach of Express Warranty;
11. Count XII: Breach of Implied Warranty;
12. Count XIII: Violation of Consumer Protection Laws;
13. Count XIV: Gross Negligence; and
14. Count XV: Unjust Enrichment.

IT IS FURTHER ORDERED that the following claims remain in this case:

1. Count I: Negligence – Design Defect under the Connecticut Product Liability Act;
2. Count V: Strict Liability – Design Defect under the Connecticut Product Liability Act;
3. Count XVI: Loss of Consortium;
4. Count XVII: Punitive Damages; and
5. Count XVIII: Discovery Rule and Tolling.

Consented to, stipulated, and agreed by:

Dated: July 20, 2020

/s/ Robert R. Simpson

Robert Reginald Simpson

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RICHARD LINNON

Entered by:

Dated: 10/14/2020

/s/ Judge Alfred V. Covello

HON. ALFRED V. COVELLO, U.S.D.J.